APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,714	07/14/2000	Mohan Ananda	81045.944	5954

22804 7590 12/28/2005	EXAMINER
THE HECKER LAW GROUP	GART, MATTHEW S

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ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _4/18/2005_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-4,7-11 and 14-38_ is/are pending in the application.

    4a) Of the above claim(s) _22-37_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4,7-11,14-21 and 38_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _19 November 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Prosecution History Summary

Claims 1-4, 7-11 and 14-38 are pending in the instant application.

Claims 5, 6, 12 and 13 were previously canceled.

Claims 22-37 have been withdrawn from consideration without prejudice.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 8-11, 15-21 and 38 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sharp (U.S. Patent No. 6,263,317) in view of Tobin (U.S. Patent

No. 6,141,666).

Referring to claim 1. Sharp discloses a method for providing secure electronic

commerce transactions with multiple merchants comprising:

- Establishing a secure communication link between at least one client computer

  system and a vendor computer system (Sharp: at least column 3, lines 6-40);

  and

- Transmitting transaction information between said client computer system and

  said vendor computer system enabling a user at said client computer system to

  select and purchase, via said vendor computer system, items listed in a

merchant computer system by a plurality of merchants without said user having direct access to said merchant computer system (Sharp: at least column 3, lines 6-40).

Sharp does note explicitly disclose modifying responses from said merchant computer system to said client computer system at said vendor computer system thereby controlling information exchange between said merchant computer system and said client computer system through said vendor computer system.

Tobin discloses a method for providing secure electronic commerce transactions with merchants comprising:

- Modifying responses from said merchant computer system to said client computer system at said vendor computer system thereby controlling information exchange between said merchant computer system and said client computer system through said vendor computer system (Tobin: at least column 3, lines 15-37 and column 5, line 46 to column 6, line 3);

- Wherein modifying response from said merchant computer system comprises:

   o Modifying merchant content obtained from said merchant computer system to redirect one or more hyper-text elements to said vendor computer system (Tobin: at least column 3, lines 23-37); and

   o Reframing said merchant content as a web page of said vendor computer system (Tobin: at least column 5, line 46 to column 6, line 3); and

    o Wherein transmitting said transaction information comprises transmitting said web page of said vendor computer system to said client computer system (Tobin: at least column 5, line 46 to column 6, line 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Sharp to have included the teachings of Tobin as discussed because there is a need for customized marketing of consumer services through hypertext based communications wherein the content of the hypertext based communications is dynamically customized to take advantage of a consumer's familiarity with a specific Internet site marketing partner (Tobin: column 2, lines 50-55)

Referring to claim 2. Sharp further discloses a method wherein said transmitting step further comprises:

- Generating a purchase order for said items after said user's selection of at least one of said items for purchase form said merchant computer system via said vendor computer system (Sharp: at least Fig. 3, "Step 315").

Referring to claim 3. Sharp further discloses a method comprising:

- Obtaining payment from said user (Sharp: at least column 3, line 61 to column 4, line 11); and

- Transmitting payment to at least one of said plurality of merchants on behalf of said user (Sharp: at least column 4, lines 12-28, "The order is then allocated to a

supplier according to a web sales channel conflict resolution protocol specified by the manufacturer in stage 321.").

Referring to claim 4. Sharp further discloses a method wherein said payment is obtained by an operator of said vendor computer system (Sharp: at least column 6, lines 1-35, "Order list page 500 can be used by a human operator of a computer connected to server computer 110, or of server computer 110 itself, to manually allocate orders to suppliers according to a protocol specified by the manufacturer of the product being allocated.").

Referring to claim 8. Claim 8 is rejected under the same rationale as set forth above in claim 1.

Sharp further discloses monitoring an information exchange between said client computer and said plurality of merchant computer systems at said vendor computer system to obtain said transaction information (Sharp: at least column 7, lines 57-65).

Referring to claim 9. Claim 9 is rejected under the same rationale as set forth above in claim 2.

Referring to claim 10. Sharp further discloses a method wherein a vendor of said vendor computer system forwards payments to said one or more merchants for the supplied items on behalf of said user (Sharp: at least column 3, line 61 to column 4, line 11).

Referring to claim 11. Sharp further discloses a method wherein said user makes payment to said vendor for said supplied items (Sharp: at least column 3, line 61 to column 4, line 11).

Referring to claim 14. Claim 14 is rejected under the same rationale as set forth above in claim 7.

Referring to claim 15. Sharp in view of Tobin discloses a method according to claim 1 as indicated supra. Tobin further discloses a method wherein said step of modifying responses occurs automatically (Tobin: at least column 3, lines 15-37 and column 5, line 46 to column 6, line 3).

Referring to claim 16. Claim 16 is rejected under the same rationale as set forth above in claim 15.

Referring to claim 17. Claim 17 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 18. Sharp further discloses a vendor computer system wherein said step of obtaining said merchant content comprises:

- Receiving a user request from said client computer system (Sharp: at least Fig. 3);

- Transmitting said user request to said merchant server (Sharp: at least Fig. 3); and

- Receiving from said merchant server a response comprising said merchant content (Sharp: at least Fig. 3).

Referring to claim 19. Sharp further discloses a vendor computer system wherein said step of receiving said user request comprises identifying said merchant server from a plurality of possible merchant servers (Sharp: at least Fig. 4, "Allocate by zip code").

Referring to claim 20. Sharp further disclose a vendor computer system wherein said user request is an order request, and said step of transmitting said user request to said merchant server comprises inserting user order information into said order request (Sharp: at least Figure 3).

Referring to claim 21. Claim 21 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 38. Claim 38 is rejected under the same rationale as set forth above in claim 1.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp (U.S. Patent No. 6,263,317) in view of Tobin (U.S. Patent No. 6,141,666) in further view of Fergerson (U.S. Patent No. 5,966,697).

Referring to claim 7. Sharp in view of Tobin discloses a method according to claim 1 as indicated supra. Sharp does not expressly disclose a method wherein said step of transmitting transaction information further comprises:

- Displaying one or more icons corresponding to said plurality of merchants at said client computer for user selection; and

- Providing said items listed in said merchant computer system to said user at said client computer system via said vendor computer system, in response to said user selection of at least one of said one or more icons.

Fergerson discloses a method wherein said step of transmitting transaction

information further comprises:

- Displaying one or more icons corresponding to said plurality of merchants at said

   client computer for user selection (Fergerson: at least column 7, line 62 to

   column 8, line 6); and

- Providing said items listed in said merchant computer system to said user at said

   client computer system via said vendor computer system, in response to said

   user selection of at least one of said one or more icons (Fergerson: column 7,

   line 62 to column 8, line 6).

At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art to have modified the system of Sharp in view of Tobin to have

included the teachings of Fergerson as discussed above in order to provide a system

and method for shopping at a variety of different vendors easily and securely

(Fergerson: column 2, lines 15-26).

Referring to claim 14. Claim 14 is rejected under the same rationale as set forth

above in claim 7.

Response to Arguments

Applicant's arguments filed 4/18/2005 have been fully considered but they are

moot in view of the new grounds of rejection.\

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Matthew S. Gart whose telephone number is 571-273-

3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MSG
Patent Examiner
December 23, 2005